

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

ABDIFATAH SHARIF OMAR)

Case No. 3:10-00260-22

Judge Haynes

ORDER
For the reasons
stated in D/E No 1394,
this motion is GRANTED
to seven counts 15 through

**MOTION OF DEFENDANT ABDIFATAH SHARIF OMAR FOR SEVERANCE OF 19
COUNTS AND INCORPORATED MEMORANDUM OF LAW**

COMES NOW the Defendant, **Abdifatah Sharif Omar**, by and through his undersigned counsel, and pursuant to Federal Rules of Criminal Procedure 8(a)&(b), 12(b) and 14, hereby respectfully moves the Court for an Order **severing** two distinct units of prosecution: (1) Count One of the *Second Superseding Indictment* (Commercial Sex Act Conspiracy), Count Two (Conspiracy to Benefit Financially from Venture alleged in count one) and Counts Three and Four (Obstruction of Justice Conspiracies re: sex trafficking); **from:** (2) Counts Fifteen and Sixteen (Conspiracies to Transport Stolen Property in Interstate Commerce), Count Seventeen (Conspiracy to Possess Identification Documents), Count Eighteen (Conspiracy to Traffic in Counterfeit Access Devices) and Count Nineteen (Obstruction of Justice Conspiracy re: Access Devices and Credit Cards). (Docket Entry 591). Joinder is not permitted in conspiracy cases in which the offenses alleged in the indictment fall outside the scope of the conspiracy with which the defendant is charged.

Background

Thirty defendants have been charged in a 24-count Second Superseding Indictment. (Docket Entry 591). Abdifatah Sharif Omar has been charged in 9 of those counts. Although